IFU

2 3 2004 B Practitioned's Docket No. _____59538 (71970)_____

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

S. Kim, et al.

Serial No.:

10/620,709

Group: 1654

Filed:

July 15, 2003

Examiner: P. Leith

FOR:

USE OF HEDERAGENIN 3-O- α -L-RHAMNOPYRANOSYL(1 \rightarrow 2)-[β -D-GLUCOPYRANOSYL(1 \rightarrow 4)]- α -L-ARABINOPYRANOSIDE OR AN EXTRACT FROM PULSATILLAE RADIX CONTAINING THE SAME

AS A THERAPEUTIC AGENT FOR SOLID TUMORS

Mail Stop: Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2.	Applicant is [] a small entity. [X] other than a small entity.					
	CERTIFICATE OF MAILING/I	RANSMISSION (37 C.F.R. 1.8(a))				
I hereb	y certify that, on the date shown below, this corresponder	nce is being:				
	MAILING	FACSIMILE				
[X]	deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	[] transmitted by facsimile to the Patent and Trademark Office.				
		Signature				
Date: _	6/8/04	Lee Dunkle (type or print name of person certifying)				

(Amendment Transmittal—page 1 of 4)

EXTENSION OF TERM

NOTE:	"Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.					
	of a Noti unless th	ly response has been filed after a Final Oj ice of Appeal or filing and/or entry of an he timely-filed response placed the applic d within the shortened statutory period, t	additional amendment after expiration cation in condition for allowance. Of ca	of the shortened statutory period ourse, if a Notice of Appeal has		
NOTE:	See 37 C.F.R. 1.645 for extensions of time in interference proceedings, and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.					
3.	The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.					
		(complete (a) or (b), as applicable)			
	(a) [] Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below					
		Extension	Fee for other than	Fee for		
		(months)	small entity	small entity		
	[]	one month	\$110.00	\$55.00		
	Ĺĵ	two months	\$420.00	\$210.00		
	ĺĺ	three months	\$950.00	\$475.00		
	[]	four months	\$1,480.00	\$740.00		
	[]	five months	\$2,010.00	\$1,005.00		
			Fee: \$			
If an ad	lditional	extension of time is required, plea	ase consider this a petition theref	or.		
		(check and complet	e the next item, if applicable)			
	[] An extension for months has already been secured. The fee paid therefor of \$ is deducted from the total fee due for the total months of extension now requested.					
Extension fee due with this request \$						
			OR			

overlooked the need for a petition for extension of time.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently

(b)

[X]

(Amendment Transmittal—page 2 of 4)

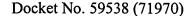
FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1))	(Col.	2) (Col. 3) SN	MALL EN	TITY			THAN A ENTITY	
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Total Indep.			Minus Minus	***		x \$9 = $x $42 =$	\$0 \$0		x \$18 =	\$ · \$ 0
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WARNING:				ction or action (§ form which has b						g with any
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	(d)	[]	Total	l additional fe		-	·			
					FEE PAY					
5.	 Attached is a check in the sum of \$ Charge Account No the sum of \$ A duplicate of this transmittal is attached. 									
				F	EE DEFI	CIENCY				
NOTE:	If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).									
6.	[X]	If any	⁄ additio	nal extension a	ind/or fee	is required, ch	arge Acco	ount N	o. <u>04-110</u>	5

AND/OR

[X] If any additional fee for	claims is required, charge Account No04-1105.
	Chric C.a
	SIGNATURE OF PRACTITIONER
Reg. No. 38,256	Christine C. O'Day
	(type or print name of practitioner)
Tel. No. (617) 439-4444	EDWARDS & ANGELL, LLP
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Mail Stop: <u>Amendment</u> Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Applicants submit herewith the following response to the Office Communication dated May 19, 2004.

In response to the Restriction Requirement set forth in the Office Communication, Applicants elect without traverse Group I, claims 1-5 and 8, drawn to an extract of Pulsatillae radix, as that Group is further defined in the Office Communication.

The election of Group I is being made solely to comply with the Restriction Requirement set forth in the Office Communication. The right to file one or more divisional applications on non-elected subject matter is reserved.

Early consideration and allowance of the application are earnestly solicited.

S. Kim et al. U.S.S.N. 10/620,709 Page 2

Date: June 8, 2004

Respectfully submitted,

Christine C. O'Day (Reg. 38,256)

Chirt C.h

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